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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

RICHARD ORVILLE SCHULTZ,
Petitioner,
v.
BRIAN DUFFY,
Respondent.

No. 2:15-cv-796-GEB-EFB P

ORDER

This action was opened when Mr. Schultz, a state prisoner without counsel, filed a 340-page “motion to protect petitioner against tolling until state remedies are exhausted.” ECF No. 1. On April 17, 2015, the court notified Mr. Schultz that he had not properly commenced a habeas action because he had not filed a petition as required by Rule 3 of the Rules Governing § 2254 Cases. ECF No. 5. The court granted Mr. Schultz 30 days within which to file a petition. *Id.* The time for acting has passed and Mr. Schultz has not filed a petition or otherwise responded to the court’s order. He has, however, requested “assistance from the court,” indicating that he would like to file either a civil rights action or an application for a writ of habeas corpus. *See* ECF Nos. 6, 8, 10.


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Accordingly, it is hereby ORDERED that:

1. The Clerk of the Court is directed to send Mr. Schultz the court's forms for an application for writ of habeas corpus and for a civil rights complaint pursuant to 42 U.S.C. § 1983.
2. Mr. Schultz shall file either a petition for writ of habeas corpus or a civil rights complaint within 30 days of the date of this order.
3. Failure to comply with this order will result in this case being closed.

DATED: June 8, 2015.


EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE